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Judge Calls Day's Recess In Bomber Export Trial

CIA Counsel Testifies That Agency
Did Not Give Help in Sale of Planes

By RON MASELKA

A federal court jury of 10 men and two women tomorrow will begin deliberations in the case of two men charged with conspiring to unlawfully export seven B-26 bombers to Portugal in 1965.

When testimony ended late Tuesday, Judge John O. Henderson excused the jury while he prepares his charge today. The lawyers' summations will begin at 9:30 AM tomorrow.

At the trial's 13th session Tuesday, Lawrence R. Houston, general counsel for the Central Intelligence Agency, testified that the top secret agency had no part in the B-26 project.

One defendant, John R. Hawke, has claimed that he piloted the planes believing he was working for the U. S. government on a CIA-approved venture.

Did Not Help Deal

U. S. Atty. John T. Curtin asked Mr. Houston if the investigation showed that the CIA "in no way helped" the flights of the bombers out of the U. S.

"That is correct," Mr. Houston replied. He gave the same answer when asked if the CIA in no way helped the defendants or others involved in any part of the transaction.

Mr. Houston said that the CIA received information on the bomber deal in the summer of 1965 but disseminated it to other agencies, including the FBI and U. S. Customs.

He said the CIA was prohibited from involvement in purely domestic matters involving internal security or a police function.

Checked Smuggling

A rebuttal witness for the government was customs agent Charles E. Cameron of Nogales, Ariz. He testified he received a letter July 23 to check into the alleged illegal flights and said he thought the attached secret document came from the CIA.

Mr. Cameron said he first checked into the bomber export claim on Aug. 20 because he had been working on a narcotics smuggling investigation.

Earlier, CIA documents compiled after the arrest of the two men on alleged illegal bomber exporting charges were ruled inadmissible.

four documents he said consti-

tuted the top secret agency's entire file on the case.

Hawke's attorney, Edwin Marger of Miami Beach, Fla., argued that the CIA file included more than four documents.

These four reports, the first from May 25, 1965, were turned over to Mr. Marger Friday.

During a 30-minute hearing in the jury's absence Tuesday, Mr. Curtin said Mr. Houston brought 18-20 other documents, all involving the period after the September 1965 arrests.

Judge Examines Papers

After examining the papers in his chambers for nearly 90 minutes, Judge Henderson refused to turn them over to Mr. Marger, noting he considered them "irrelevant and immaterial."

Mr. Marger has claimed that Hawke piloted the war planes believing he was working for the U. S. government on a project that had CIA and State Department blessing.

Mr. Houston was subpoenaed as a defense witness. Refusing to declare Mr. Houston a "hostile" witness, Judge Henderson said the CIA lawyer "has been co-operative."

CIA Yarn "Theory"

In his opinion, the judge said, the documents indicate the CIA, rather than promoting the bomber project, disseminated the information that led to the arrests.

"The CIA yarn . . . of involvement in this case is pure theory," the judge added, noting it rests on Mr. Marger's opening remarks to the jury and the testimony of two defense witnesses, both writers. One of these, Martin Caldin, testified that Gregory R. Board, the missing defendant, told him the CIA was involved.

The judge sustained the government's objection when Mr. Marger asked Mr. Houston if it were true that certain CIA operations must be secret and government.